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Chairman: Mr. KRENKEL (Austria)

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/47/40, 41, 44, 427, 428, 429, 518, 628, 632, 662, 667)

1. Mr. STEFANOV (Bulgaria), welcoming the substantial recent increase in accessions to United Nations human rights treaties, said that ratification of or accession to all international human rights instruments should be further actively promoted. States parties which still had reservations on important provisions should also be encouraged to consider reviewing and withdrawing them. Priority should be given to the promotion of existing instruments rather than to further standard-setting, which should be confined to areas that were either of particular significance in the light of new developments or enjoyed broad consensus among Member States.

2. Bulgaria was a party to the International Covenants on Human Rights, including the Optional Protocol to the International Covenant on Civil and Political Rights, and to the other principal human rights instruments. The 1991 Constitution guaranteed the incorporation of the provisions of international instruments to which Bulgaria was a party into domestic legislation and the supremacy of the former in the event of conflicting provisions.

3. Bulgaria had significantly changed its policy with regard to the international human rights treaty monitoring bodies, withdrawing a number of reservations to the relevant instruments and recognizing the jurisdiction of the International Court of Justice in respect of a number of conventions. It attached particular importance to the role of those bodies in securing full compliance by States parties with their treaty obligations. It had accordingly recognized the competence of the Human Rights Committee and the Committee against Torture to receive and consider communications from a State party claiming non-fulfilment by another State party of its duties under the relevant Conventions, and the competence of the Committee on the Elimination of Racial Discrimination and the Committee against Torture to receive and consider communications from individuals or groups of individuals claiming that their rights had been violated. It had withdrawn its reservation regarding article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

4. Bulgaria had also withdrawn its reservations concerning the compulsory jurisdiction of the International Court of Justice in respect of the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(Mr. Stefanov, Bulgaria)

5. Radical changes were being made to national laws, including those directly connected with human rights and fundamental freedoms. Numerous acts had been adopted to rehabilitate persons subjected to repression under the totalitarian regime, and measures had been taken to reinstate rights violated in the past. Additional measures had been successfully taken to bridge the gap between the law and its implementation.

6. Efforts were now being made to expedite the submission of Bulgaria's overdue periodic reports to the human rights treaty bodies. A consolidated second and third report was now ready for submission to the Human Rights Committee. Periodic reports to other bodies were under preparation, the delay in submission being due to the need to update them to reflect the withdrawal of reservations and the changes in legislation and in judicial and administrative practice. Concerned as it was about the lack of adequate funding for the Committee on the Elimination of Racial Discrimination and the Committee against Torture, Bulgaria fully supported the proposal to finance both Committees from the regular budget, and trusted that the General Assembly would adopt the recommendation of the States parties to that effect.

7. In conclusion, he said that, after becoming a full-fledged member of the Council of Europe, Bulgaria had ratified the European Convention on Human Rights; it had, moreover, accepted the compulsory jurisdiction of the European Court of Human Rights. Bulgaria pledged to continue to support the enhancement of United Nations human rights machinery.

8. Mr. GARRETON (Chile) said that Chile was a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Covenant on Civil and Political Rights, and had withdrawn its reservations to the latter two instruments. Chile was up to date with the submission of all its periodic reports to the human rights treaty monitoring bodies.

9. Refering to document A/47/518, he supported the recommendation to fund the Committee on the Elimination of Racial Discrimination and the Committee against Torture from the United Nations regular budget, as recommended by the States parties to the relevant Conventions. The General Assembly had repeatedly stressed the need to streamline the work of the human rights treaty bodies and to provide them with the necessary resources. In the report of the fourth meeting of persons chairing the human rights treaty bodies (A/47/628) the chairpersons, some of whose comments applied, mutatis mutandis, to the functioning of other monitoring mechanisms such as the special rapporteurs and representatives, independent experts and working groups, had stressed the close link between adequate secretariat resources and the effective functioning of the treaty body system. The primitive working conditions of the secretariat of the Centre for Human Rights, of which he had first-hand experience, and the fact that only 1 per cent of the Organization's budget

(Mr. Garreton, Chile)

was devoted to human rights were incompatible with the priority that should be accorded to human rights activities by the Organization within its mandate under the Charter. The chairpersons had, moreover, emphasized the need for human rights concerns to be fully integrated into the overall range of activities of the Organization.

10. His delegation supported the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and would continue to participate in endeavours to refine the legal framework in that sphere. As long as such unacceptable practices continued to exist, the United Nations should spare no effort in drawing up new standards and procedures and improving those already in existence.

11. Finally, welcoming the debate on the issue of the proliferation of reservations made by States parties to human rights instruments, and pointing out that, after its return to democracy, his country had withdrawn its reservations to the Convention against Torture, said that the issue might usefully be considered by the International Law Commission.

12. Mr. ZHANG Yishan (China) said that his delegation was pleased to note the large number of States that had already signed, ratified or acceded to the Convention on the Rights of the Child, evidence of the wide acceptability of its provisions and their consistency with actual needs. China had taken an active part in the drafting of the Convention. With its huge child population, it attached great importance to the welfare, education and protection of children, and had adopted legislative, administrative and other measures to provide a sound environment for their all-round development. The 1991 Law of the People's Republic of China on the Protection of Minors provided new guarantees for the enhanced protection of children's rights and the legislative basis for the implementation of the Convention.

13. The 1990 World Summit for Children had been a milestone event and the Chinese Government had signed the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, both of which had formed the basis for China's own Programme of Development for Children in the 1990s.

14. At the second session of consultations on the Convention on the Rights of the Child in East Asia and the Pacific region, held in August 1992 and sponsored jointly by the Chinese Government and UNICEF, the questions of guiding principles, monitoring of implementation and removal of obstacles to ratification of the Convention had been discussed, and the Beijing Agreement for enhanced cooperation among States and regions had been adopted.

15. Enforced or involuntary disappearances were serious violations of human rights. All States should make such violations punishable offences under their national legislation and prosecute all offenders. The aim of the draft

(Mr. Zhang Yishan, China)

declaration on the protection of all persons from enforced or involuntary disappearances was to raise awareness of the problem and encourage all Governments to adopt or strengthen measures to protect their citizens in that regard. The declaration could not supersede national legislation, but when its principles were supported through national legislation and legal practice, it would be possible to provide effective protection against such violations. Lastly, he stressed that the effective functioning of the treaty bodies depended on adequate funds and thought that it was feasible to finance their activities through the regular budget.

16. Mr. SOH (Republic of Korea) said that, although his Government welcomed the new human rights instruments, it also stressed the need to implement existing ones. The first step was the timely submission of comprehensive reports, which formed the basis for the dialogue between treaty bodies and States parties and gave the latter the opportunity to improve their domestic human rights situation. The treaty bodies should follow the practice established by the Committee on the Elimination of Racial Discrimination of listing the States parties whose reports were long overdue. That practice encouraged early submission of reports and helped to identify the difficulties faced by some States parties. There was also a need to provide technical assistance and advisory services to States to assist them in carrying out their reporting obligations. The treaty bodies, the Commission on Human Rights and the United Nations Institute for Training and Research (UNITAR) had an important role to play in that effort. In light of the financial constraints preventing ongoing assistance and training programmes for all those in need, priority should be given to the countries that regularly experienced reporting problems. To establish a more comprehensive network of services, international training institutions should consider including material on reporting systems in their programmes.

17. It was also necessary to ensure compliance with the human rights treaties themselves. Since the practice of expressing reservations to treaties could lead to loopholes, the question of the incompatibility of reservations with the letter and spirit of the treaties should be given further consideration. In that connection, his Government had recently withdrawn certain reservations to the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women.

18. He commended the work carried out by the treaty bodies and the Commission on Human Rights for the success achieved in the face of formidable difficulties. The long-standing problems confronting the treaty bodies should be solved as soon as possible. The timely consideration of the reports submitted by States parties was essential: long intervals between the submission of reports and their consideration was a disincentive for timely submission. Collaboration by the treaty bodies could also lead to savings and facilitate their work. The meetings of the persons chairing the human rights bodies was a worthy initiative promoting interaction among them; and the sharing of information could provide channels for concerted action. The

(Mr. Soh, Republic of Korea)

computerization of the treaty body system should be considered with a view to establishing a reliable database.

19. It might be helpful to rely more on public information for promoting public support to influence Governments' attitudes towards human rights instruments. While Governments should be in the forefront of efforts to ensure respect for human rights, grass-roots participation could play an important role in generating awareness of the rights of individuals. Although field-level United Nations information centres had made initial progress in that regard by disseminating information on human rights issues, global measures to promote understanding of those issues had not yet been implemented. In view of the proximity of the World Conference on Human Rights, more should be done to increase general awareness of that pivotal event.

20. The precarious financial situation of some treaty bodies was cause for concern, especially in view of the growing need for their services. Since there was a close link between adequate secretariat resources and effective functioning of the treaty bodies system, the issue must be adequately addressed. Lastly, his country, which was a State party to various human rights instruments, stressed that the United Nations must tackle human rights violations with renewed vigour and that progress must be achieved through commitment and compassion, rather than fear.

21. Mr. SLABÝ (Czechoslovakia) said that his country consistently sought to strengthen the role of the United Nations in the field of human rights. The principle of non-interference in internal affairs should not prevent discussion of human rights violations at international forums. Accordingly, he called for the strengthening of the role of the United Nations bodies, particularly the Human Rights Committee, in exerting pressure on individual States where there were cases of serious human rights violations. Czechoslovakia fully supported the strengthening of the human rights monitoring mechanisms. The system of special rapporteurs and special representatives for human rights situations in individual countries was an important instrument for protecting human rights.

22. The activities of some international treaty bodies, however, had not yielded the necessary results owing, inter alia, to a lack of balanced and up-to-date agendas and to funding problems. His country had always fulfilled its financial obligations under the treaties to which it was a party and supported the financing of the treaty bodies through the United Nations regular budget.

23. Coordination of the activities of the treaty bodies and a more accurate definition of their responsibilities, accompanied by strict compliance by States parties with their obligations, would enhance the efficiency of those bodies. Specific information on compliance with reporting and financial obligations by States parties should become part of the annual reports on the

(Mr. Slabý, Czechoslovakia)

status of the human rights treaties. He supported the procedure whereby treaty bodies could use information available from other sources when reports by States were overdue. The Manual on Human Rights Reporting was a very valuable instrument in that connection. Czechoslovakia welcomed the decision of the Human Rights Committee to adopt concluding comments on reports reflecting the views of the Committee as a whole and supported the establishment by the Commission on Human Rights of an open-ended working group to elaborate a draft optional protocol to the Convention against Torture.

24. After the dissolution of the Czech and Slovak Federal Republic in January 1993, the two successor States would continue to comply with their obligations under international human rights instruments. Czechoslovakia was fulfilling its current reporting obligations: it had submitted a report to the Committee on Economic, Social and Cultural Rights and was preparing its report on the implementation of the Convention on the Rights of the Child. The successor States would thus have a very good opportunity to demonstrate to the world a civilized way of resolving human rights issues.

25. Ms. PIANO (Estonia), speaking on behalf of the three Baltic States, said that the issue of human rights was of great importance to the Baltic States which, as they developed democratic societies, were devising new laws in accordance with international standards and modernizing government structures to facilitate the implementation of human rights instruments.

26. Since the recent recovery of their ability to conclude international agreements, the three Baltic States had adopted constitutions and passed national legislation guaranteeing basic human rights. More importantly, they had acceded to the two International Covenants on Human Rights, as well as a number of other international human rights instruments. The Baltic States recognized that those legal instruments were an important part of an international framework for the protection of human rights, and were adopting them as a foundation for their own national legislation and establishing government structures to monitor and implement human rights guarantees.

27. Individually, Latvia had decided that international human rights law took precedence over its domestic law. The 1992 Estonian Constitution guaranteed the fundamental rights of citizens, while Lithuania's law on national minorities established an entire system of legal protection for the rights of national minorities and communities. All persons permanently residing in the Baltic States enjoyed freedom of work as well as a range of welfare rights, while in Latvia and Lithuania minorities were authorized by law to promote their culture through associations, the printed media and schools, many of which received government subsidies.

28. The Government of Latvia had recently hosted a United Nations human rights fact-finding mission and a similar mission from the Conference on Security and Cooperation in Europe was due to visit Estonia the following month. Information from those missions should clearly establish the

(Ms. Piano, Estonia)

conformity of human rights practices in each country with the requirements of the conventions they had entered into, as well as with other human rights norms, and determine whether there was any foundation for charges of human rights violations in the Baltic States. The Baltic States were developing human rights legislation to reflect the legal order established in their Constitutions.

29. The Baltic States welcomed the forthcoming World Conference on Human Rights, to be held in 1993 in Vienna, as an opportunity to make significant progress towards universal acceptance of the International Covenants on Human Rights. Despite the drastic changes under way in the Baltic States as a result of the transformation of their centrally planned economies to economies based on free market principles, human rights had been and would remain a matter of top priority.

30. Mr. PALLAIS (Nicaragua) said that although the global changes that had occurred during the past three years had had a positive effect on international relations and had led to progress in the enjoyment of human rights, those same rights had regressed considerably in some regions on account of unchecked nationalist, regionalist, ethnic or religious passion. Such tendencies were illustrated by the emergence, in some European countries, of xenophobia reminiscent of the period prior to the Second World War. Those developments were a reminder that history was a process of constant change and that human rights, which should be a vehicle of progress, had to be protected by the international community.

31. The United Nations should not allow the principle of non-intervention to be used as a shield behind which gross and systematic human rights violations were committed, nor should it allow the international system for the protection of human rights to be used by outside States as a pretext for undue interference with a people's free and sovereign choice of Government.

32. The possibility of reconciling those apparently contradictory assertions had been demonstrated by the action undertaken by the United Nations to combat apartheid, against which the international community had acted in keeping with its responsibilities and without unjustified intervention. However, although progress had been made in combating apartheid, much remained to be done.

33. For the first time in its history, Central America was governed by six democratic Governments, thanks to the efforts of its peoples through the Esquipulas II process and the help provided by the international community. After years of war and a decade that had been wasted for development, Central America was no longer an area of ideological confrontation. However, it faced fresh challenges as a result of the unavoidable need for economic adjustment, with its associated social and environmental problems that could prove to be a powder-keg beneath the nascent Central American democracies, whose consolidation was a matter of the utmost priority.

(Mr. Pallais, Nicaragua)

34. On account of the scale of the task of combating poverty, the Governments of Central America had made it a moral and political commitment. They were making drastic cuts in military expenditure and restricting State economic intervention. The machinery for Central American integration had been renovated in order to improve the region's economic prospects, and social programmes had been introduced for the benefit of the most vulnerable sectors. However, those efforts also required outside assistance in the form of better access and improved prices for Central American products on international markets and more equitable external credit and economic relations with the industrialized countries. Such a joint effort was alone capable of ensuring that future generations inherited a sound democratic system founded on sustainable development.

35. A key objective of the Government of President Chamorro was the establishment of a State governed by the rule of law, to ensure that democracy was exercised in full and to achieve social justice for all sectors of the nation. The policy of national reconciliation, one of whose landmarks had been the institution of the Forum for National Consultation, sought to guarantee stability and social harmony in order to safeguard the population as a whole and better to use the country's limited resources to achieve the full development of democracy, which was a prerequisite for links with the international community.

36. One essential issue debated within the Forum had been that of property. The debate had led to the adoption of measures to provide a legal solution and to restore property unjustly confiscated by the previous regime.

37. As part of its efforts to achieve an overall improvement in the living conditions of Nicaraguans, the Government had prepared a plan of action to combat poverty. The plan involved several ministries and two specially established agencies, the Emergency Social Investment Fund (FISE) and the Fund to Provide Care for Oppressed Sectors (FASO). The aim of FISE was to develop fully the potential of the poor and to integrate them into Nicaragua's social and economic development.

38. The Government of Nicaragua devoted nearly half of the national budget to welfare, thereby giving priority to the most vulnerable sectors of society. The problems were aggravated by factors beyond the Government's control, such as the high population growth rate and level of external debt.

39. One of the main problems facing Nicaragua was what might be called the "culture of violence" inherited from many years of war, where certain members of society employed force to pursue their demands. With the support of the European Economic Community, Nicaragua was providing education in human rights, as part of a long-term programme to transform that culture of violence into one of peace, and to allow conflicts to be settled by peaceful means, such as through the courts. Emphasis was placed on the joint responsibility of the individual, the family, society and the Government. A bill to make

(Mr. Pallais, Nicaragua)

human rights teaching compulsory at various levels of the educational system had been brought before Parliament. A programme to reduce the size of the army and to reorganize the police had been completed, and human rights teaching had been introduced into police and military training programmes in order to lay the foundations for democratic law and order through the development of a sense of public service in the minds of the police and the military. Lastly, the office of Government Attorney for Human Rights had been set up with the primary objective of ensuring respect for human rights throughout the country. In addition, a civil inspectorate had been set up under the Ministry of the Interior to ensure that human rights were respected by the police.

40. Nicaragua wished to intensify its support for the efforts of the United Nations to combat all types of human rights violations, and supported the decision to hold the World Conference on Human Rights in Vienna in 1993. It intended to take an active part in that Conference, as well as in the regional preparatory meeting to be held in San José, Costa Rica. The Conference would be a milestone in international cooperation to promote and defend human rights.

The meeting rose at 4.30 p.m.